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Minutes

**Board of Elevator Regulations
One Ashburton Place
21st Floor - Conference Room #1
December 6, 2016 at 1:00PM**

Board Member Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
Tom Riley
David Morgan

Board Members Absent:

Harold J. McGonagle
Michael J. Nicoloro Jr.
Cheryl Davis

Guests Present:

Joseph Cronin (3Phase Elevator)
Eric Morse (Van Deusen & Associates)
Justin Rose (Delta Beckwith)
Michael Covino (Niche Hospitality)
Jordan O'Connor (JOA Architects)
Michel Awadalla (DPS Group Global)
Ruthy Barros (DPS)

A motion was put forth by David Gaudet to accept the meeting minutes with the noted corrections from October 18, 2016. The motion was seconded by John O'Donoghue. **Vote: 4-0; Granted.** Tom Riley abstained.

A motion was put forth by David Gaudet to accept the meeting minutes with the noted corrections from October 25, 2016. The motion was seconded by David Morgan. **Vote: 4-0; Granted.** Tom Riley abstained.

A motion was put forth by David Gaudet to accept the meeting minutes from November 1, 2016. The motion was seconded by David Morgan. **Vote: 4-0; Granted.** Tom Riley abstained.

A motion was put forth by David Gaudet to accept the meeting minutes with the noted corrections from November 15, 2016. The motion was seconded by Stephen Sampson. **Vote: 3-0; Granted.** Tom Riley and David Morgan abstained.

A motion was put forth by Stephen Sampson to accept the meeting minutes from November 16, 2016. The motion was seconded by John O'Donoghue. **Vote: 3-0; Granted.** David Gaudet and David Morgan abstained.

The Board discussed the following:

1. 10 Milk Street – Boston, MA

State ID number: 1-P-7584

524 CMR

Petitioner: Joe Cronin

The petitioner came before the Board to provide additional information requested by the Board on November 15, 2016. The petitioner provided the Board with layout drawings and information per the proposed modernization project. First, the petitioner addressed the pit refuge space, which the petitioner stated the pit refuge space is code compliant. Secondly, the petitioner is seeking relief from the requirement of seismic rails as the T-section and triple thick fishplates will not fit within the tight confines of the hoistway. The petitioner stated that going to seismic rails are exempt under 524 CMR Section 35 Section 8.4. Thirdly, the petitioner is seeking relief from the requirement of a code compliant toe guard. The petitioner stated that he will provide and install a telescoping toe guard which will prevent damage to the toe guard when the elevator is servicing the sub-basement level. The telescoping toe guard will be provided by Gillispie Corporation. Lastly, the petitioner is requesting to maintain the existing manual swing door, located in the sub-basement level of car #1 only, due to limited height and width. The petitioner agreed to have signage outside the door located in the sub-basement level warning the technician of the space and also install a spring locked key. The petitioner also stated that the elevator car #1 will travel at a lower speed when accessing the sub-basement level. A motion was put forth by Tom Riley stating that based on the detailed testimony required and provided, it has been determined by the Board that there are no variances required and that safety enhancements that

have been provided and are satisfactory to the Board. The motion was seconded by David Morgan.

Motion: Tom Riley

Seconded by: David Morgan

Vote: 5-0; Accepted.

2. 2 Newbury Street – Boston, MA

State ID number: 1-P-5673

524 CMR – Fire Service

Petitioner: Justin Rose

The petitioner came before the Board requesting relief from an Inspector's report dated April 6, 2016 citing "Elevator has been modernization and should've been brought up to current fire codes". The petitioner stated that a full modernization was not done on the above listed unit. The petitioner stated that the fixtures were not replaced and that the only changes made were to the controllers and power unit. The controller does have the provisions for future fire service upgrade. The petitioner stated that all other listed violations on the Inspector's report have been re-inspected and passed. The petitioner stated he believes the elevator was originally installed in the 1970's. A motion was reluctantly put forth by Tom Riley to grant the relief from the Inspector's report on fire service. Based on the testimony provided and the current status of 524 CMR, the code does not require a fire service upgrade. The motion was seconded Stephen Sampson.

Motion: Tom Riley

Seconded by: Stephen Sampson

Vote: 3-2; Granted. David Morgan and John O'Donoghue opposed.

3. 104 Harding Street – Worcester, MA

ASME A17.1-1996 Part XX 2000.7(a) and 524 CMR Section 34.02

Petitioner: Michael Covino

The petitioner came before the Board seeking a variance for a new installation for a vertical travel of 14'10" for a new accessible platform lift within a new restaurant. The restaurant is a tenant within a larger sports facility that offers common access to grade and mezzanine levels by an internal full service elevator. The petitioner stated that the stairs are not a fire rated stair case and the mezzanine level will be used for special/private events, with limited access. A motion was put forth by John O'Donoghue to grant the variance to allow the vertical travel of 14'10" and the decision is contingent that the petitioner provide the Board a letter from the Architectural Access Board addressing the Board's concerns. The motion was seconded by Tom Riley.

Motion: John O'Donoghue

Seconded by: Tom Riley

Vote: 3-2; Granted. David Morgan and David Gaudet opposed.

4. 155 Fortune Boulevard – Milford, MA

State ID: 185-P-16555

524 CMR Section 35 2.26.4.1

Petitioner: Michel Awadalla

The petitioner came before the Board requesting a variance on the main line disconnect. The code states the main line disconnect must be located inside the control door, but not more than 18 inches from the jamb to the operating handle and the petitioner stated that the disconnect switch is 21” wide and will locate the main lockable disconnect switch’s handle at 25” from the door. The Board discussed concerns of the current location of the disconnect switch handle. A motion was put forth by John O’Donoghue to deny the variance with the justification of safety. The motion was seconded by David Gaudet.

Motion: John O’Donoghue

Seconded by: David Gaudet

Vote: 5-0; Denied

Rupture valves:

The Board decided to table the discussion of rupture valves for the next scheduled Board meeting, with majority of Board members present.

Matters not reasonably anticipated 48 hours in advance:

The Board discussed Occupant Evacuation Operation (OEO). Board member John O’Donoghue relayed to the Board the use and opinions of OEO, in relation to elevators, from various jurisdictions.

Exhibit List:

Exhibit 1: Meeting minutes from October 18, 2016

Exhibit 2: Meeting minutes from October 25, 2016

Exhibit 3: Meeting minutes from November 1, 2016

Exhibit 4: Meeting minutes from November 15, 2016

Exhibit 5: Meeting minutes from November 16, 2016

Exhibit 6: Variance petition – 10 Milk Street – Boston, MA

Exhibit 7: Variance petition – 2 Newbury Street – Boston, MA

Exhibit 8: Variance petition – 104 Harding Street – Worcester, MA

Exhibit 9: Variance petition – 155 Fortune Boulevard – Milford, MA

Exhibit 10: Letter dated April 7, 2015 from Robert Chiampi – Rupture valves

Motion to adjourn by: John O'Donoghue
Seconded by: Tom Riley
Vote: 5-0; Granted.

Hearing Concluded at 3:50 p.m.

Prepared by: Ruthy Barros